(03/09/2006)

SECRET//ORCON/NOFORN

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE	Date: 03/19/2007
To: General Counsel At	tn: NSLB Julie Thomas
Counterterrorism At	tn: CAU
From: Counterterrorism CXS/Communications Analys Contact: Ud	ALL INFORMATION CONTAINED
Approved By: Billy Joseph Jr Frahm Charles E Wall Thomas S	b6 DATE: 03-05-2008 b7C CLASSIFIED BY 65179/DMH/KSR/RW b2 REASON: 1.4 (c) b1
Drafted By:	DECLASSIFY ON: 03-05-2033 b7A
Case ID #: (COMMUNICATIONS ANALYST Special Projects	(Pending) IS UNIT
\ /	ric issuance of ECPA National ling records; provides
(U) Derived From: Declassify On: 0:	
Enclosures: (II) Telephone number issued to on 03/06/2007.	ers submitted as part of NSL b4 on 05/12/2006 and reissued b7D b6
(U) Administrative: (3) This document SECRET//ORCON/NOFORN. Portions of corresponding classification marking into any criminal affidavit, criminal unclassified investigative file. It document is intended to be used for only. No further dissemination of	this document carrying ngs may not be incorporated nal court proceeding or The information in this r lead or background purposes

SECRET//ORCON/NOFORN

	To: General Counsel From: Counterterrorism binds (S) 03/06/2007 binds	1 7A		
	in this document may be made without the prior approval of originating agency.	the		
(U) (U)	This EC is being produced on this date to document and issued to on 05/12/2006 and reis at the same time as this EC. The searches on these telephonumbers were conducted prior to the issuance of the NSLs.	ssued one	b6 b7C b4 b7D	
, o ,	Details: (S//OC/NF) The following telephone numbers were submitted to CAU by FBI field offices and headquarters operational personnel. Each target number was part of an existing FBI case.			
				b1 b7A b6 b7C b2 b7E

_	To: Re:	General Counsel	From: Counterterrorism 03/06/2007	61 67A	
(S)					
					2 41
					b1 b7A b6
					b7C b2 b7E

SECRET//ORCON/NOFORN To: General Counsel b1 From: Counterterrorism b7A 03/06/2007 (S); b1 b7A b6 b7C b2 b7E

	To: Re:	Genera (S)	l Counsel	From 03/06/20	: Counterterro	orism	b1 b7A
(S)							
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SECRET//ORCON/NOFORN

_	To: Re:	Gen <u>eral</u> (S)	Counsel	From: 03/06/2007	Counterterror	ism	b1 b7 <i>P</i>
(S).							
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	:						b7A b2 b7E
							b6 b7D

	To: Re:	Genera (S	l Counsel	From: 03/06/2007	Counterterrori	sm	b1 b7₽
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	To: Re:	Gener	al Coun	sel	From 03/06/20	: Cou 07	nterte:	rrorism		b1 b7A
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										b6 b7C b2 b7E

	To: Re:	Gener (S)	al Counse	21	From: 03/06/2007	Countert	errorism.		b1 b7A
(S)									
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									b7E b6 b7C

	To: Re:	Genera (S)	l Counsel	L	From: 03/06/200	Counter 7	terroris	m	b1 b7A	
(S)										
										b1 b7A b6 b7C b2 b7E

	To: Re:	Gener (S)	al Couns	<u></u>	From: 03/06/200	Counte 7	rterrori	sm	b1 b7B
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	To: Re:	General (S)	Counsel	From: 03/06/200	Counterter	rorism	b1 b7 <i>P</i>
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	To: Re:	General (S	Counsel	From: 03/06/2007	Counterterror	ism	b1 b7A
(S)							
:							b1 b7A
							b6 b7C b2 b7E

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_	To: Re:	General (S)	L Counsel	From: 03/06/2007	Counterterrorism	b7A		
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(S) 								
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	To: Re:	Ge <u>neral</u> (S	Counsel	Fro 03/06/2	m: Countert 007	errorism bi	L 7A	
S)								
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To: Re:	General (S)	Counsel	From: 03/06/2007	Counterterrorism	b1 b7A	

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b1 b7A b6 b7C b2 b7E

To: Re:	General Counsel	From: Counterterrorism 03/06/2007	bí bí
:			b1 b7 b6
			b7 b7 b2 b7

This electronic communication documents the approval and certification of a previously served NSL. For mandatory reporting purposes, the NSL seeks local and long distance toll billing records for 142 phone numbers. Each subject is presumed to be a United States Person.

(U) In accordance with 18 U.S.C. \S 2709(c), the senior official approving this EC, certified that a disclosure of the fact that the FBI has sought or obtained access to the

	Do. (C)	91 97A	
	information sought by this letter may endanger the national security of the United States, interfere with a criminal, counterterrorism, or counterintelligence investigation, inte with diplomatic relations, or endanger the life or physical safety of a person.	rfere	
(U)	More specifically, the manner in which the disclosure of the fact that the FBI has sought or obtained a to the information sought by this letter may prematurely dis a national security threat assessment or investigation to the target and associates affiliated with the target, and cause to alter their communications network to circumvent detection	close e them n.	o2 o7E
	to UC $\frac{\text{(U)} \text{Any questions regarding the above can be directed}}{\text{b6}}$	cted	

To:	Ge <u>peral Counsel</u>	From:	Counterterrorism	h1
Re:	(S	03/06/2007		b7A
LEAD	(s):	J		UIA

Set Lead 1: (Action)

GENERAL COUNSEL

AT WASHINGTON, DC

(U) NSLB is requested to record the appropriate information needed to fulfill the Congressional reporting requirements for NSLs. $\,$

4.4

	AS DESCRIBED BY IG	NUMBER OF INSTANCES	FACTS AS REPORTED FOR PIOB
	Issuing NSL when PI had expired	1	Complicated history on extensions – PI was open at time NSL issued
b2	Issuing NSL seeking full credit report in CI case	2	Occurred
b7E	Issuing NSL seeking full credit report (1681v) when EC authorizes only limited data (1681u)	3	B/c SAC signed the NSL for broader info, quarrel with idea it was not authorized. Sloppy paperwork.
	Received irrelevant info in response to NSL	1	
	Overcollection of relevant info in response to NSL	1	

ALL INFORMATION CONTAINED

HEREIN IS UNCLASSIFIED DATE 03-05-2008 BY 65179/DMH/KSR/RW

Issuing NSL for 1 Illegality of this is unclear; no date actually obtained. This is being reported out 1 Although EC citation was in error, of an abundance of records were properly described and caution. It is an open-RFPA referenced in NSL. ended legal question, as there are legal arguments on both sides of the issue, and the agent got the **b**5 approval of b2 counsel. But we are b7E sending this through because we can not definitely say that this was not content information.. ECPA NSL seeking what IG believes are financial records requiring RFPA **NSL**

FCRA NSL uses certification language from RFPA	3	Actual language differences are minor; no individual rights affected.
KIA		Instance 1: NSL was issued under 1681v but certification used RFPA language (which allows for NSL in both IT and CI case); since case was IT, the RFPA language citing both IT and CI had no legal impact. Further (and this was the mistake that the IOB EC picked upon, which OIG had not; the IOB EC does NOT reflect the mistake that the OIG found), EC synopsis stated NSL was issued under RFPA but rest of EC was accurate and reflected IT nature of the case and the request for a 1681v NSL.
		Instances 2 & 3: NSL was issued under 1681v but certification used RFPA language (which allows for NSL in both IT and CI case); since case was IT, the RFPA language citing both IT and CI had no legal impact. The EC reflected the IT nature of the case.
Received irrelevant info in response to NSL	1	Mischaracterized as irrelevant; info was relevant and promptly covered with a new NSL.
	b2 b7E	mistakenly cited one NSL as source for subscriber information pertaining to a particular telephone number in an EC to file, when in fact a second NSL was the source for the subscriber information. Both NSL's were properly issued and there is no IOB violation.
Overcollection of relevant info in response to NSL	2	Instance 1: received from the provider information that
,	ATTORNEY CLIENT	PRIVII EGED

b2 b7E

covered two weeks prior to the beginning of the request. That period was consistent with the billing cycle. OIG had stated in report that overruns due to the billing cycle did not even need to be reported as PIOBs. Carrier error/choice involved; not FBI error.
Instance 2: received from the provider information that covered two months prior to the beginning of the request. had issued an earlier NSL which covered more than a month of the overrun. Carrier error involved, not FBI error.

	Issuing NSL seeking full credit report (1681v) when EC authorizes only limited data (1681u)	1		B/c SAC signed the NSL for broader info, quarrel with idea it was not authorized. Sloppy paperwork.
	Although EC citation was in error, records were properly described and FCRAv was referenced in NSL which was also signed by the SAC.Received irrelevant info in response to NSL	2	b2 b7E b4 b7D	Instance 1: requested toll billing information from and received information for a number that was not requested in the NSL. The NSL was properly issued and there is no IOB violation. Instance 2: NSL served upon provider contained two correct telephone numbers. Authorizing EC contained typographical error with respect to one of the numbers. Not reportable: the fact that the authorizing EC contained an apparent typographical error neither resulted in the issuance of an erroneous NSL, nor an unauthorized collection in violation of the NSIG and ECPA.
	Overcollection of relevant info in response to NSL	1		received records beyond the scope of the NSL, but since it was carrier mistake, it is not reportable.
b2 b7E	Received irrelevant info in response to NSL	2	b2 b7E b4 b7D	requested subscriber information from and received a number that was not assigned to an individual, but was an internet access number. The NSL was properly issued and there is no IOB violation.

	AS DESCRIBED BY IG	NUMBER OF INSTANCES	FACTS AS REPORTED FOR PIOB
	Issuing NSL when PI had expired	1	Complicated history on extensions – PI was open at time NSL issued
	Issuing NSL seeking full credit report in CI case	2	Occurred
b2 b7E	Issuing NSL seeking full credit report (1681v) when EC authorizes only limited data (1681u)	3	B/c SAC signed the NSL for broader info, quarrel with idea it was not authorized. Sloppy paperwork.
	Received irrelevant info in response to NSL	1	
[Overcollection of relevant info in response to NSL	1	
•	Issuing NSL for	1 b5	Illegality of this is unclear; no date actually obtained
	ECPA NSL seeking what IG believes are financial records requiring RFPA NSL	1	

	FCRA NSL uses certification language from RFPA	3	
	Actual language differences are minor; no individual rights affectedReceived irrelevant info in response to NSL	1	Mischaracterized as irrelevant; info was relevant and promptly covered with a new NSL
	Overcollection of relevant info in response to NSL	2	
b2 b7E	Issuing NSL seeking full credit report (1681v) when EC authorizes only limited data (1681u)	1	B/c SAC signed the NSL for broader info, quarrel with idea it was not authorized. Sloppy paperwork.
	Received irrelevant info in response to NSL	2	
	Overcollection of relevant info in response to NSL	1	
	Received irrelevant info in response to NSL	2	

(S)

ITOS 1 Exigent Letter use via CAU

		Predicating	Target of Investigation		Exigent Letter	Exigent		Date NSL (or	Company
	Target Number	Communication	(case #, PI/FI)	Date Opened	Date	Y/N	Justification for Exigent Letter	GJS) Issued	Issued To
					11/4/2004	N		ו ו	
(8)					1/13/2005	N		12/20/2004	
· '									
					1/13/2005	N		12/20/2004 GJS	
					10/14/2005	γ		10/13/2005	
								GJS	
					10/14/2005	Υ		10/13/2005	
					10/14/2005	Υ			
b1					10/14/2005	Υ		GJS 10/13/2005	
					10/14/2005	Υ		10/10/2000	
b7A					10/14/2005	Υ			
b6									
b7C					10/14/2005	Υ			
					10) 14)2003				
b2					3/2/2005	N		6/20/2005	
b7E									
b4					6/10/2005	N		10/21/2005	
					2/4/2005	N	Number found in a 302. NFI	10/2 1/2003	
b7D							03/12/2007-EC was written referencing Grand		
					2/4/2005	N	Jury Subpoena results.		
					2/4/2005	N	MC 202 reference	2/19/2004	
					2/4/2005	N -			
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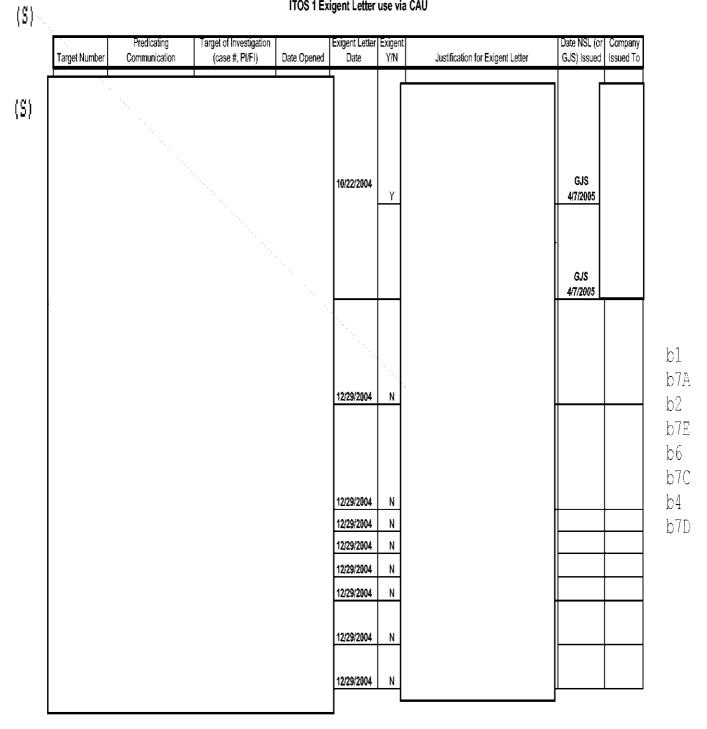
DATE: 03-06-2008

CLASSIFIED BY 65179/DMH/KSR/RW

REASON: 1.4 (c,d)

DECLASSIFY ON: 03-06-2033

ITOS 1 Exigent Letter use via CAU



ITOS 1 Exigent Letter use via CAU

	Predicating	Target of Investigation		Exigent Letter	Exigent		Date NSL (or	
Target Number	Communication	(case #, PI/FI)	Date Opened	Date	Y/N	Justification for Exigent Letter	GJS) Issued	
				10/6/2004	N	·	Г	
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				10/6/2004	N	1		
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	7-11-14-14-14-14-14-14-14-14-14-14-14-14-	<u></u>		3/22/2005	N		5/31/2005	
		The state of the s						
		***	was a constant	3/22/2005	N		5/31/2005	
			77.44.44	***				
						1		
				2/4/2005	N			
				8/3/2004	γ		2/18/2005	
				8/3/2004	γ			
				0,0(2004	•	1		
				6/10/2005	N		6/24/2005	
				4/12/2005	N		1	
				4/12/2005	N			
				4/12/2005	N			
				4/12/2005	N			
				4/12/2005	N			
				4/12/2005	N	-		
				4/12/2005 4/12/2005	N N	-		
				4/12/2005		The targeted phone numbers were associated	\vdash	
				4/12/2005		with cell phone handsets that were known to b		
				4/12/2005		used by the captioned subject. Grand jury	Ť	
				4/12/2005		subpoenas issued. Documentation pending.		
				4/12/2005	N	1 '		
					N	1		
					N			
				4/12/2005	N			
				4/12/2005	N			
				4/12/2005	N			
				4/12/2005 4/12/2005	N N]		

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ITOS 1 Exigent Letter use via CAU

	74	Predicating	Target of Investigation		Exigent Letter			Date NSL (or	
I Al I	Target Number	Communication	(case #, PI/FI)	Date Opened	Date	Y/N	Justification for Exigent Letter	GJS) Issued	Issued To
(\$)	*.				3/2/2005	N			
					3/2/2005 3/2/2005	N N			
					3/2/2005	N			
		14.			3/2/2005	N			
		Α.	٠.		3/2/2005	N			
					2/4/2005	N			
					3/22/2005	N		1/18/2006	
					3/22/2005	N		1/18/2006	
				¹ %,	9/22/2004	γ		7/15/2005	
					, N.	· .			
					2/4/2005	N		4/30/2004	
					12/8/2005	N		12/13/2005	
					12/8/2005	N		12/13/2005	
					11/3/2004	γ		11/22/2004	
					12/10/2004	Y		4/5/2006	
					12/10/2004	Υ		4/5/2006	
					12/10/2004	Υ		4/5/2006	
						Y		6/19/2006	
						Y		6/19/2006 6/19/2006	
						Y		6/19/2006	
						Y		6/19/2006	
					12/21/2003	Υ		1/5/2005	
(S)					12/21/2003	Υ		1/5/2005	
1-1					12/2/12/09	'		HOIEVOO	

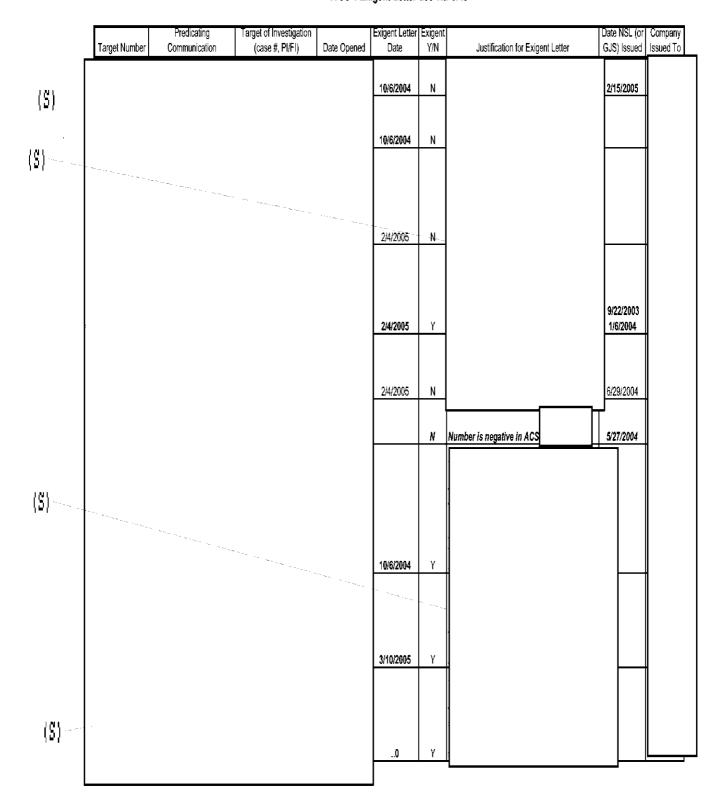
b1 b7A **b**2 b7E D6 b7C bd

ITOS 1 Exigent Letter use via CAU

(8) Date NSL (or Company Predicating Target of Investigation Exigent Letter | Exigent Target Number Communication (case #, PI/FI) Date Y/N GJS) Issued Issued To Date Opened Justification for Exigent Letter 1/5/2005 γ (S)2/2/2005 2/2/2005 γ 2/2/2005 Υ 2/2/2005 Number is negative in ACS 2/2/2005 N (S)12/20/2004 12/20/2004 N GJS 2/4/2005 N 0/15/2001 10/27/2004 N (S)10/27/2004 2/20/2004 N (S)

b1 b7A b2 b7E b6 b7C b4

ITOS 1 Exigent Letter use via CAU



b1 b7A b2 b7E b6 b7C b4

ITOS 1 Exigent Letter use via CAU

		Predicating	Target of Investigation		Exigent Letter	Exigent		Date NSL (or	Company
r	Target Number	Communication	(case #, PI/FI)	Date Opened	Date	Y/N	Justification for Exigent Letter	GJS) Issued	issued to
(\$)					12/20/2004	Υ			
					12/20/2004	γ			
(5)	······ ···· ····· ····· ······				12/20/2004	γ		6/24/2004	
					12/21/2004	γ			
					12/21/2004	Υ			
					12/21/2004	γ			
(S)							Number is negative in ACS However, an NSL to was issued on		
1-1				·····	12/20/2004	N			
(S)					10/26/2004	Υ		10/26/2004	
151					10/27/2004	Υ		10/26/2004	-
(5)									
					12/20/2004	Υ			
						N	Number is negative in ACS,		
					11/3/2004	N	Number is negative in ACS,	1	
(8)									
1-1					12/20/2004	Υ			

b1 b7A b2 b7E b6 b7C b4

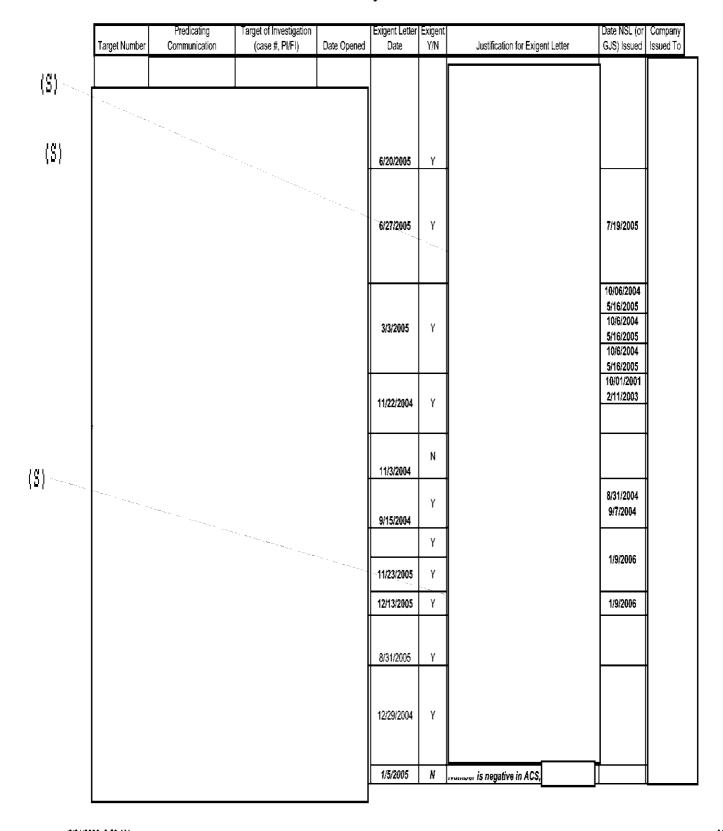
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ITOS 1 Exigent Letter use via CAU

		Predicating	Target of Investigation		Exigent Letter	Exigent		Date NSL (or	Company
	Target Number	Predicating Communication	(case #, PI/FI)	Date Opened	Date	Y/N	Justification for Exigent Letter	GJS) Issued	Issued To
(S)									
157									
					10/6/2004	N			
(5)					10/0/2004	,,			
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				******	12/20/2004	γ			
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					12/20/2004	γ		12/22/2004	
					12/20/2004	γ			
					6/9/2005	N		12/7/2005	
					6/9/2005	N		12/7/2005	
703									
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	The same of the sa								
		Carrier and			11/3/2004	N			
		The second second							
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				The same and the same and				GJS	
					2/2/2005	N		7/1/2004	
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ITOS 1 Exigent Letter use via CAU



b7A b2 b7E b6 b7C

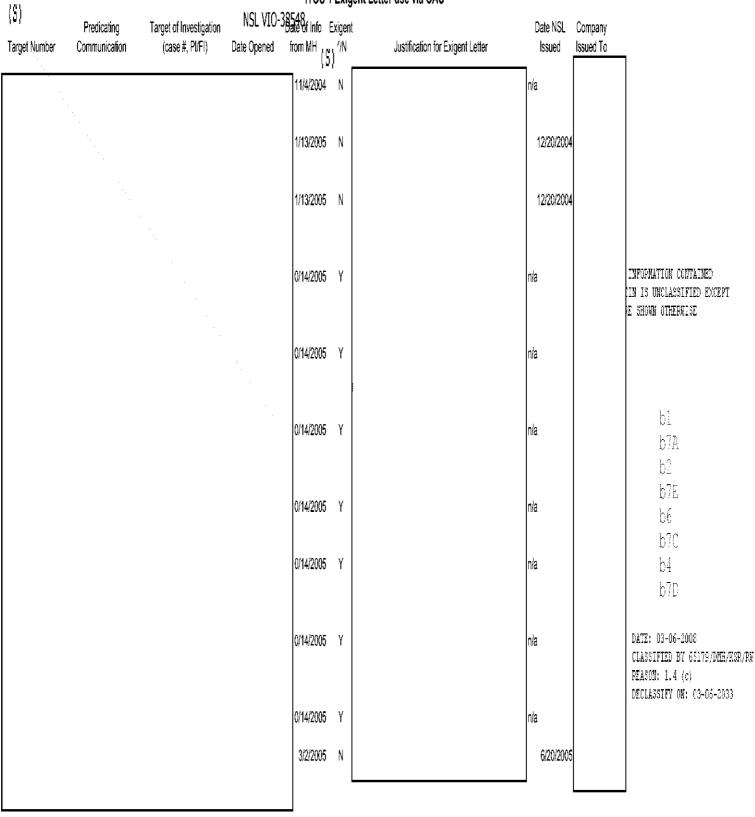
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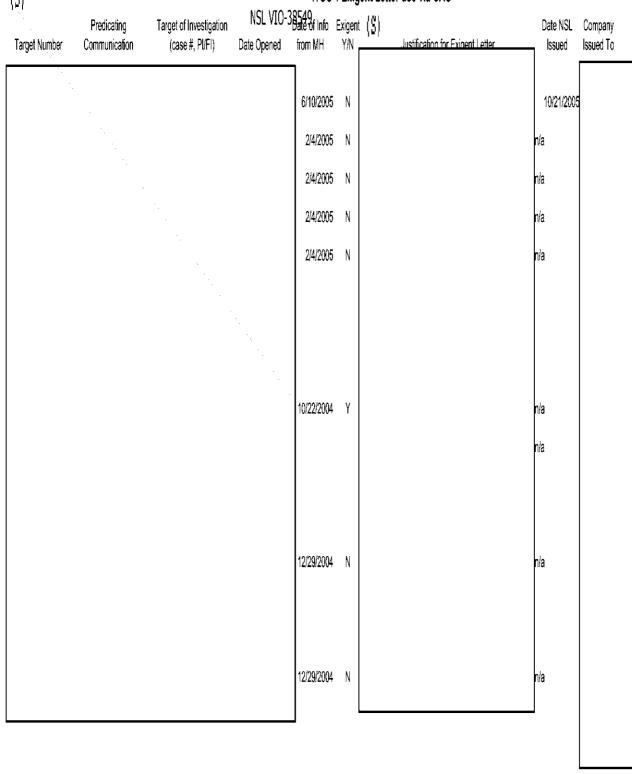
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b1

ITOS 1 Exigent Letter use via CAU

Target Number	Predicating Communication	Target of Investigation (case #, PI/FI)	Date Opened	Exigent Letter Date	Exigent Y/N	Justification for Exigent Letter	Date NSL (or GJS) Issued	' 1
	Numbers targe	argeted in which exigent le ted for which a NSL was is which a NSL was issued to N	ssued t		% 100%	b4 b7D b2		,





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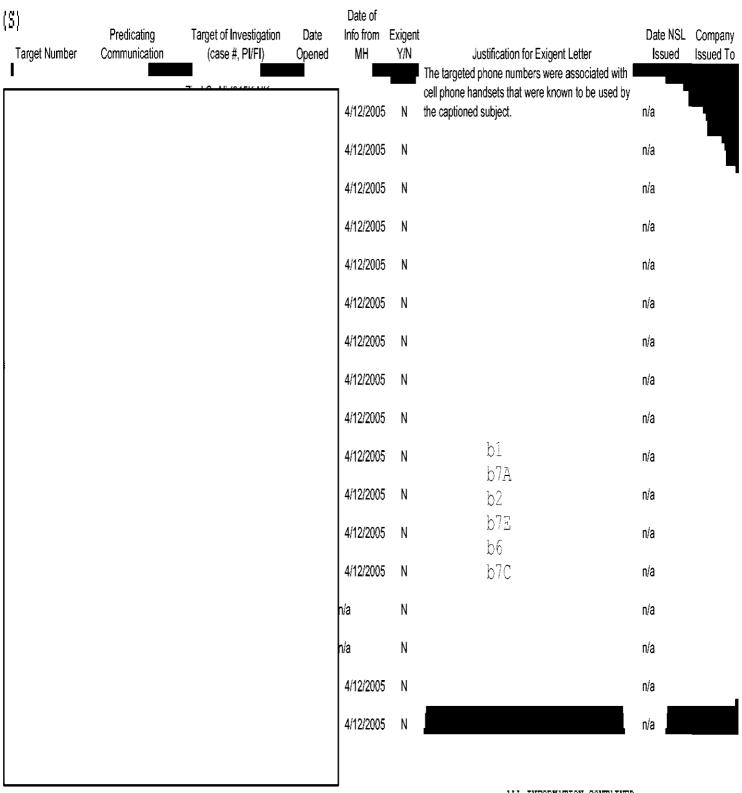
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	Predicating	Target of Investigation	NSL VIO-	38550 Date of Info	Exiger	it	Date NSL	Company
Target Number	Communication	(case #, PI/FI)	Date Opened	from MH	Y/N	Justification for Evident Letter	Issued	Issued To
(S)					(5)			
					1-1			
				12/29/2004	N		n/a	
				12/29/2004	N		n/a	
				12/29/2004	N		n/a	
								b1
								b7A
								b2
				12/29/2004	N		n/a	b?E
				12/23/2007	IN		IVQ	b6
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				4010010004	, i			
				12/29/2004	N		n/a	
				12/29/2004	N		n/a	
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(5)	Predicating	Target of Investigation		38551 Bate of Info	Exigen	ıt	Date NSL	Company
Target Number	Communication	(case #, PI/FI)	Date Opened	from MH	Y/N	Justification for Exigent Letter	Issued	Issued To
	Α] (5	- 1			
	N.			10/6/2004	N		n/a	
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				10/6/2004	N		nła	
		¥.		401010001			.1.	
		•		10/6/2004	N		n/a	
		\$						
				3/22/2005	N		5/31/2005	j
			٠.					
				3/22/2005	N		5/31/2005	ĺ
				2/4/2005	N		n/a	
				8/3/2004	Υ		2/18/2005	;
				0,0,200			210,200	
				8/3/2004	Υ		n/a	
				0/40/000			010.110000	
				6/10/2005	N		6/24/2005	,
				•	Ĺ]	

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ITOS 1 Exigent Letter use via CAU



2/21/2008, 8:55 AM

DATE: 03-06-2008

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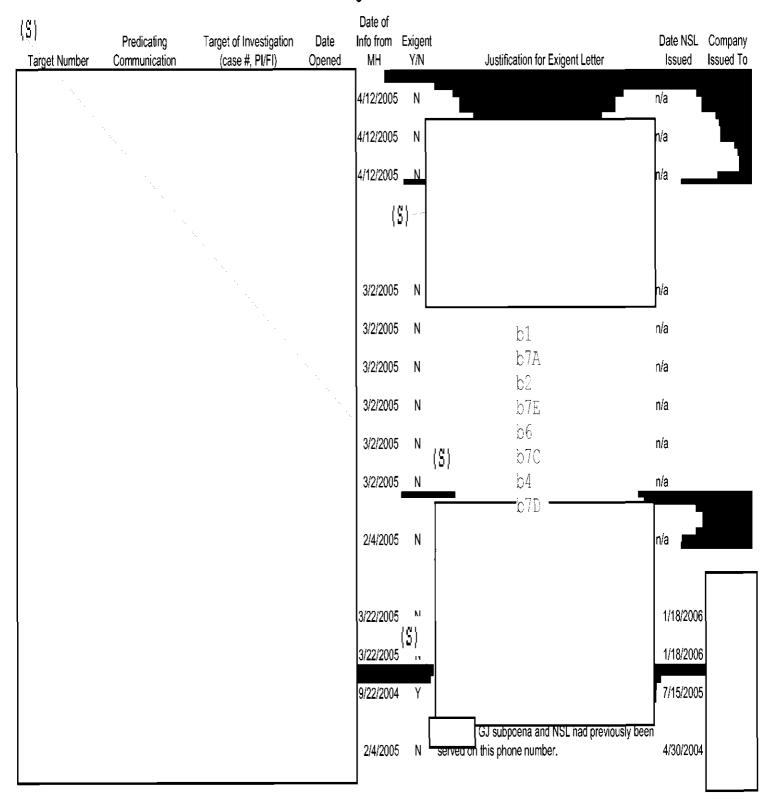
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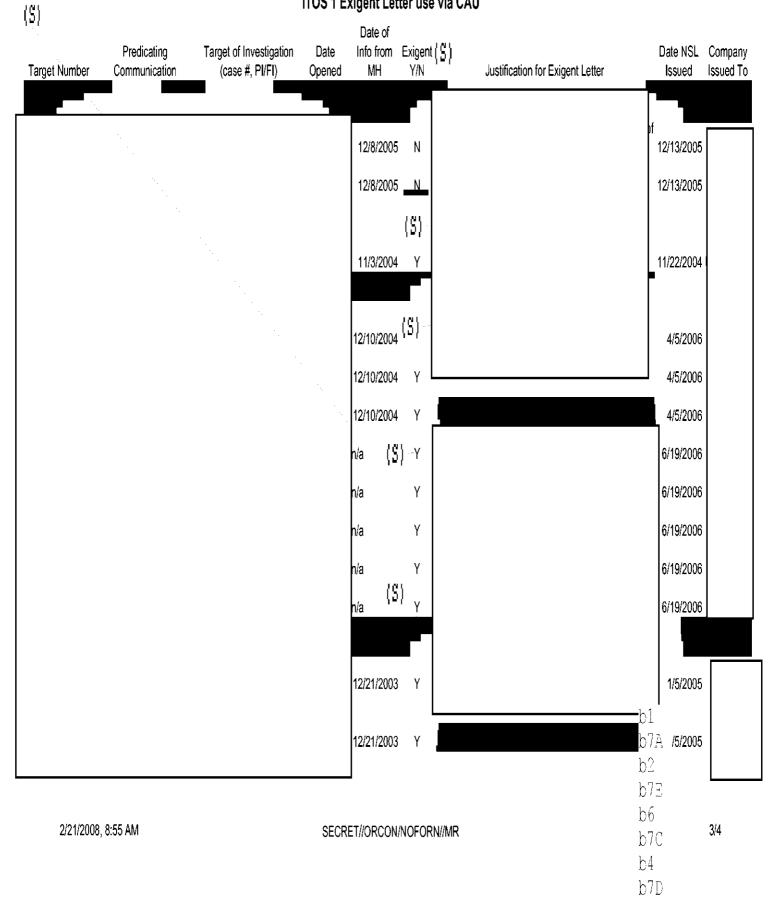
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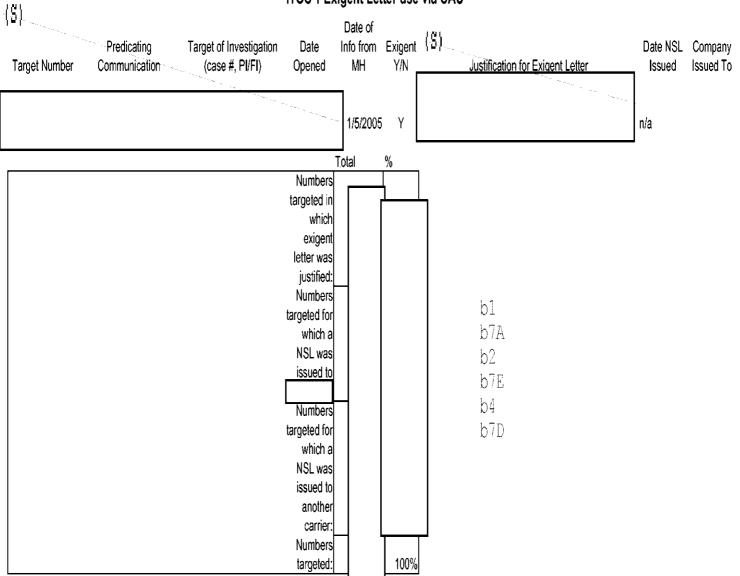
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REASON: 1.4 (c,d) DECLASSIFY ON: 03-06-2033

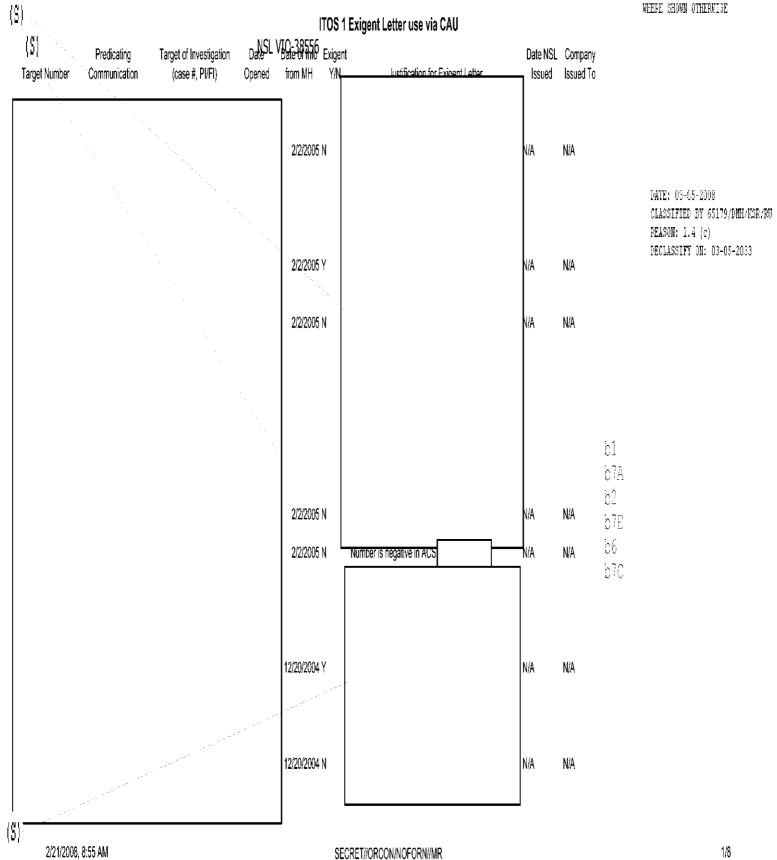
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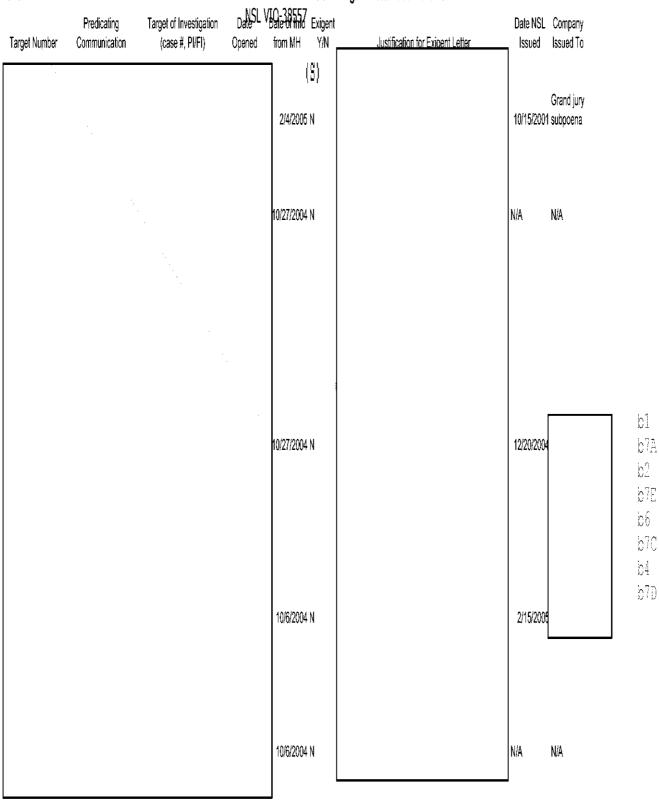


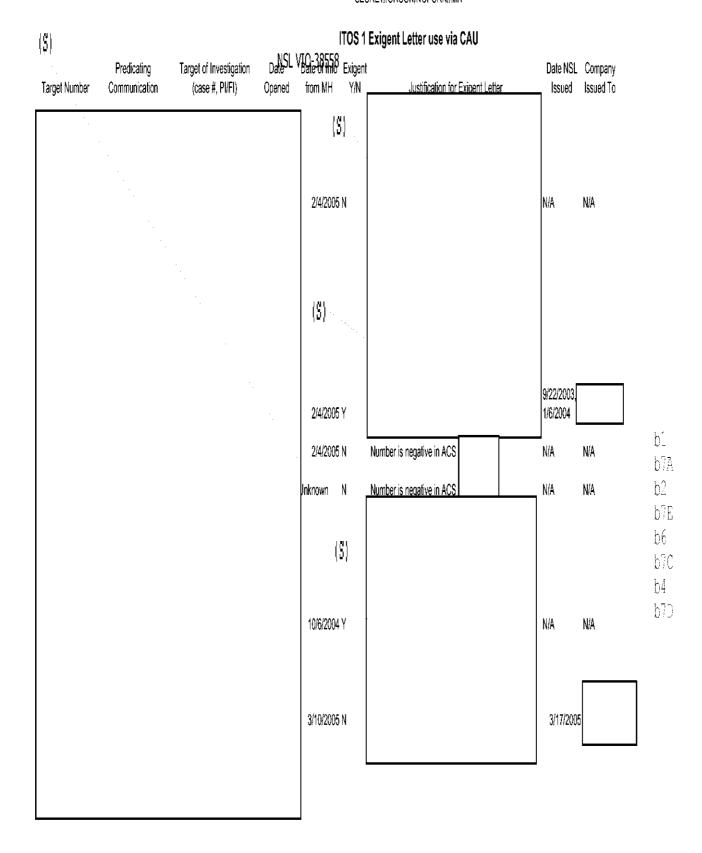


ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT









Target Number	Predicating Communication	Target of Investigation (case #, PI/FI)	Date Opened	VIO-38559 Date of Info Exiger from MH Y/N	it Justification for Exigent Letter	Date NSL Issued	Company Issued To
(5)] (S) [
				3/10/2005 N		N/A	N/A
				12/20/2004 Y		N/A	N/A b1
							b7 b2 b7
				12/20/2004 Y		N/A	b6 b7 N/A b4
							b7
				12/20/2004 Y		6/24/2004	

